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June 5, 2013

VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Morangelli, et al. v. Chemed Corporation, et al., 10 Civ. 0876 (BMC)

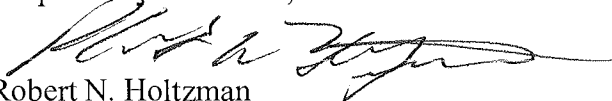
Dear Judge Cogan:

We represent defendant Roto-Rooter Services Company in the above-captioned action. In accordance with Your Honor's Minute Entry of April 29, 2013, we write on behalf of all the parties to update the Court on the progress of the parties' mediation. Yesterday, the parties engaged in an approximately eleven hour mediation session with Linda Singer, Esq. of JAMS. By the end of the session, the parties were on the precipice of reaching an agreement in principle to resolve all of the claims in this action and the closely-related arbitration. In an effort to bridge the small remaining gap, the parties have agreed to exchange certain additional data by the end of this week, to promptly analyze that data and to continue to work with Ms. Singer to attempt to reach a resolution. If an agreement in principle is reached, it will be presented to Chemed's Board of Directors for approval.

The parties believe that they are very close to resolving this litigation and that preserving the status quo will help to facilitate such a resolution. Accordingly, the parties respectfully request that the Court (i) extend the stay of this litigation until June 21, 2013 and (ii) correspondingly adjourn the deadlines set forth in the Minute Entry for defendants to produce records for potential new class representatives, plaintiffs to identify new class representatives, defendants to conduct discovery of the newly-identified class representatives and defendants to inform the Court whether they intend to file an additional motion to decertify. The parties will provide the Court with a status report on June 21, 2013.

Thank you for your consideration.

Respectfully submitted,


Robert N. Holtzman

cc: Michael J.D. Sweeney, Esq. (via ECF)

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